



CITY OF HAYWARD

AGENDA REPORT

Planning Commission
Meeting Date 9/23/99
Agenda Item 3

TO: PLANNING COMMISSION

FROM: Bashir Anastas, Development Review Engineer

SUBJECT: TENTATIVE MAP TRACT 6411 - MARY RAMOS (APPLICANT/OWNER) - Request for a 12-month extension of the tentative map to subdivide a 1.37 acre parcel into 28 condominium units.

The property is located at 650 Berry Avenue, on the east side of BART.

RECOMMENDATION:

That the Planning Commission recommend that the City Council approve a 12-month extension of the tentative map approval with conditions.

DISCUSSION:

Background

On September 22, 1992, the City Council approved Site Plan/Zone Change Application No. 91-55 and Vesting Tentative Map Tract 6411. The City's approval was renewed once by City Council action for a 24-month period - through September 22, 1999. The City's Subdivision Ordinance allows for extensions of non-vesting tentative map approvals for up to 36 months. Since the subject map was approved for a 24-month extension (after removal of its vesting designation by the applicant), an additional 12-month extension may be approved by the City Council. The applicant is requesting the extension so that she may continue to market the proposed development.

Discussion

The property is zoned RH (High Density Residential) and has a General Plan Map designation of Residential High Density (17.4 to 34.8 units per net acre). The subdivision density is 20.4 units per acre which is consistent with the General Plan designation for the property.

The initial approval for the project recognized that the proposal does not fully conform to some of the policies of the Neighborhood Plan. Specifically, the project does not adhere to the design theme concept of the neighborhood plan and it does not incorporate a meaningful interior courtyard because of its long narrow configuration. The initial approval for the project overlooked these deficiencies because the project was submitted prior to preparation of the overlay design theme by the Neighborhood Task Force. At that time, staff recommended that project approval be made conditional upon the installation of clay barreled tile. That recommendation was dropped at the Planning Commission hearing because it was protested by the applicant.

The Mission-Foothills Neighborhood Plan calls for a "Spanish Ranch" design theme or architecture that is compatible with the early history of Mission Boulevard. This includes barrel-tile roofing material (the approved plan uses composite shingles) and construction that is suggestive of thick adobe walls, which is absent from the approved plans. Both of these design elements were conditions of the approvals for the Glen Berry development by Eden Housing across Berry Avenue from this tract.

Since approval of the application for extension is discretionary, staff recommends that the Planning Commission recommend to the City Council that approval be conditional upon reinstatement of the condition for tile roofing and requiring textured stucco construction that is consistent with the design theme of the Neighborhood Plan.

Environmental Review

A negative declaration was certified by the City Council on September 22, 1992, in association with City Council approval of Site Plan Review Application 91-55 and Vesting Tentative Map Tract 6411. Because the application is merely a request for an extension of time that will have no environmental impact, no additional environmental review is required under CEQA. A copy of the original staff report containing the negative declaration is attached.

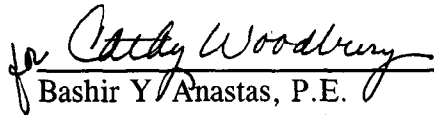
Public Notice

On September 10, 1999, a notice was mailed to all property owners and abutting residents within 300 feet of the subject property. On September 11, 1999, a public hearing notice was published in the "Daily Review".

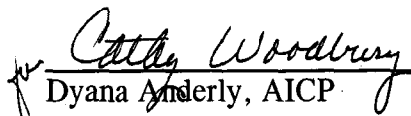
Conclusion

Staff recommends that approval of a 12-month time extension (until September 22, 2000) be granted with the installation of tile roofing and textured stucco construction consistent with the design theme of the Neighborhood Plan.

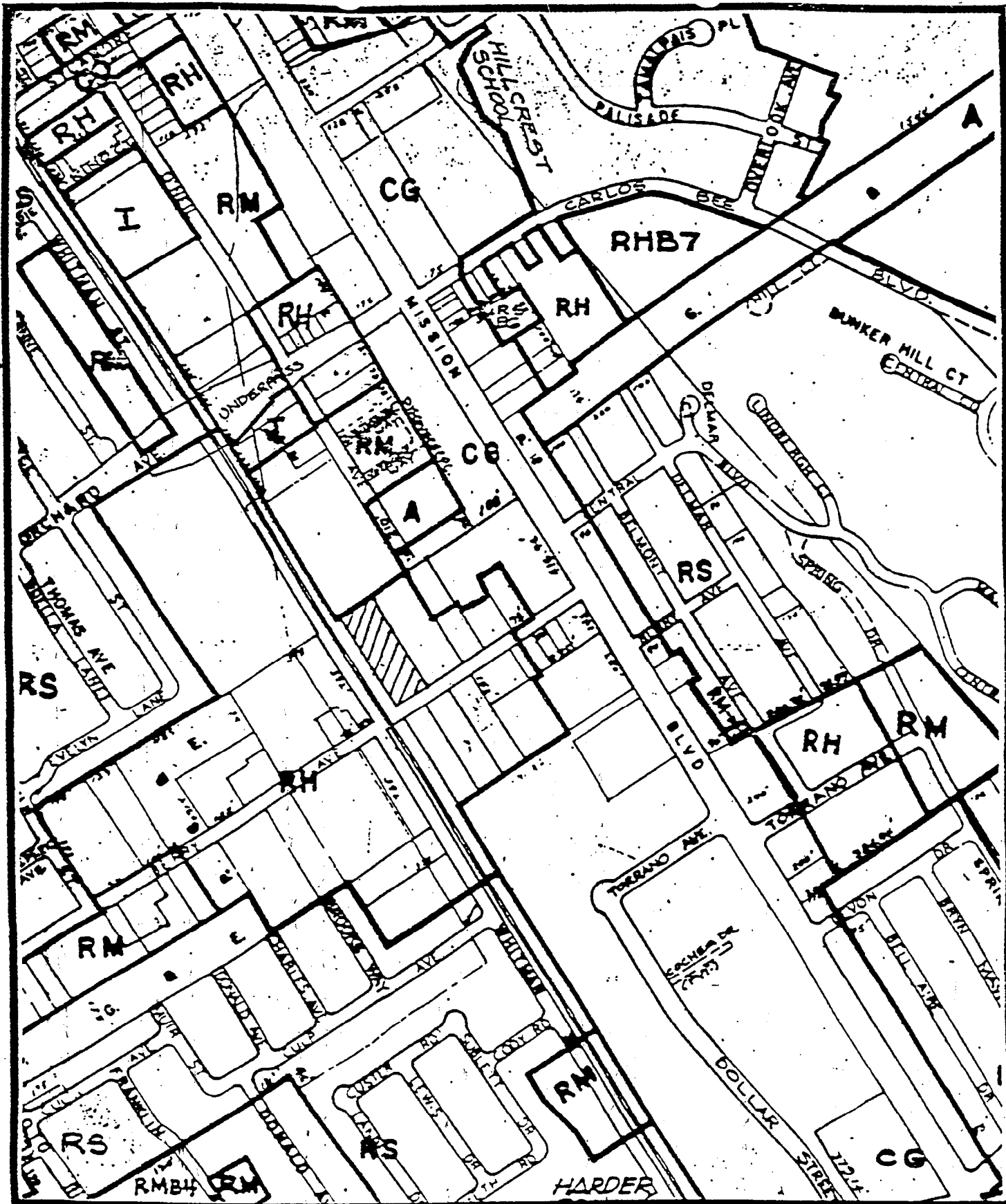
Prepared by:

for 
Bashir Y. Anastas, P.E.
Development Review Engineer

Recommended by:

for 
Dyana Anderly, AICP
Planning Manager

Attachments: A - Area Map
B - City Council Minutes and Staff Report, dated October 28, 1997
C - Findings for Approval
D - Conditions of Approval
Tentative Map Tract 6411



1"=500'

AREA MAP

TRACT 6411



Mary and Joseph Ramos
650 Berry Ave.

MINUTES

REGULAR MEETING OF THE CITY COUNCIL,
CITY OF HAYWARD, Centennial Hall, Room 6
Tuesday, October 28, 1997, 8:00 p.m.
22292 Foothill Boulevard, Hayward, CA 94541

MEETING

The City Council meeting of the Hayward City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Jason Morgan of Boy Scouts Troop 831.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriguez, Ward, Hulteen, Henson
MAYOR Cooper

Absent: None

PRESENTATIONS:

East Bay Regional Park District Presentation Regarding the 1997 Master Plan and Map of Parks and Trails

Carol Severin, Director for the East Bay Regional Park District (EBRPD) and Hayward representative on the Board, presented the 1997 Master Plan and a map of parks and trails to the Mayor and City Council. Ms. Severin read the EBRPD vision statement and reviewed the master plan contents. She displayed a map and highlighted some of the key projects included in the Master Plan as preserving the open space, continuing the Measure AA acquisitions, completing trail and park projections, continuing to seek sponsorship from private and corporate firms, expanding camping facilities, and continuing the interpretive program in the park system. She responded to questions from the Council.

Commendation to California State University, Hayward (CSUH)

In recognition of the 40th Anniversary of the California State University, Hayward (CSUH), the Mayor presented a certificate to Mr. Dennis Elo, Vice President for Advancement, at California State University Hayward. Mayor Cooper stated that in 1954, the Hayward Chamber of Commerce passed a resolution asking area representatives in the State Legislature to initiate action to establish a state college in Southern Alameda County. In response, Assemblyman Carlos Bee, a former Hayward City Council Member and high school teacher in the school district, created legislation in 1955 to establish a state college in the area. The bill passed in the Assembly but failed in the Senate. Two years later, Bee won the legislature's support for Assembly Bill 4 and Governor Goodwin Knight signed it on July 5, 1957. Cal State Hayward is the only four-year public university in the Bay Area founded in the 20th Century. Today, Cal State Hayward has an ethnically-diverse enrollment of 13,000 students between the Hayward and Contra Costa campuses, 150 classrooms and teaching laboratories, 177 specialized instruction rooms, discipline-specific computer labs, and seven general access computer labs, some open 24 hours a day. The library at Cal State Hayward has more than one million items accessible to its users. The University has a 500-seat theater and an 8,400 square foot television studio. It is a national leader in interactive distance learning technology. Internationally, there are Cal State Hayward MBA programs in Hong Kong, Vienna and Moscow. Recently, an agreement was entered to bring graduate students to Hayward from Thailand. In two weeks, the University will open an Environmental Technology Center in Manila, in the Philippines. Cal State Hayward produces 6% of the state's credentialed teachers. The university contributes immeasurably to the positive image of Hayward, both here and abroad.

ATTACHMENT B

On behalf of President Rees, Mr. Elo thanked the Mayor and Council for the certificate. CSUH is proud to be a part of this community. He invited everyone to "Moon Dazzle II" on the campus this Thursday, October 30, and announced that over 700 participants will be celebrating its 40th anniversary.

Council Member Jimenez added a historical note stating that Carlos Bee and Judge John Purchio, both former Council Members, influenced then Governor Pat Brown in selecting Hayward as the site for the University.

PUBLIC COMMENTS

Harold Mendenhall, no address provided, commented on the current library services. In his opinion, he ascertained that library funding has not been directed to providing services, but to paying salaries. He urged Council to read the statement that he submitted at the previous Council meeting.

Frank Goulart, 22248 Main Street, spoke against Measure A's passage and suggested a charter amendment that would guarantee six percent of the General Fund be directed to Library services.

Bob Billmire, 27520 Grandview Avenue, spoke regarding future Walpert Ridge development. He expressed concern that Council should exercise its leadership to implement and build an elementary school facility in that area as recommended by the Walpert Ridge Ad Hoc Committee.

Council Member Hilson announced that in light of the celebration at Cal State, he and his wife, Carla, recently celebrated 40 years of marriage. He publicly thanked Mrs. Hilson for standing by him all of these years. On another topic, he asked that books be donated towards a library that was recently built in Cebu, Philippines. Anyone interested is invited to contact him in this regard.

CONSENT

1. Approval of Minutes of the Regular Council Meeting and October 21, 1997

It was moved by Council Member Henson, seconded by Council Member Hulteen, and unanimously carried by all present, to approve the minutes of October 21, 1997.

2. Annual Investment Report, Revisions to Statement of Investment Policy and Delegation of Investment Authority

Staff report submitted by Director of Finance and Internal Services Carter, dated October 28, 1997, was filed.

It was moved by Council Member Henson, seconded by Council Member Hulteen, and unanimously carried by all present, to adopt the following:

Resolution No. 97-169, "Resolution Accepting the Annual Report on Investment Program and Activity for the City of Hayward, Amending the Statement of Investment Policy and Delegating Authority to Invest City Funds"

3. Contract with Newsmakers, Inc., to Provide Advertising and Promotional Services to the Downtown Business Improvement Area

Staff report submitted by Redevelopment Director Bartlett,
dated October 28, 1997, was filed.

It was moved by Council Member Henson, seconded by Council Member Hulteen, and unanimously carried by all present, to adopt the following:

Resolution No. 97-170, "Resolution Authorizing the City Manager to Execute an Agreement with Newsmakers, Inc., to Provide Advertising and Promotional Services Regarding the Downtown Business Improvement Area"

4. Request for Endorsement of the Alameda County Continuum of Care Plan

Staff report submitted by Housing Development Specialist
Gushiken, dated October 28, 1997, was filed.

It was moved by Council Member Henson, seconded by Council Member Hulteen, and unanimously carried by all present, to endorse the Alameda County-wide Continuum of Care Plan as recommended by staff.

5. Hesperian Boulevard and Industrial Boulevard Traffic Signal and Intersection Modifications: Approval of Plans and Specifications, and Call for Bids

Staff report submitted by Deputy Director of Public Works
Bauman, dated October 28, 1997, was filed.

It was moved by Council Member Henson, seconded by Council Member Hulteen, and unanimously carried by all present, to adopt the following:

Resolution No. 97-171, "Resolution Approving Plans and Specifications for Hesperian Boulevard and Industrial Boulevard Traffic Signal and Intersection Modifications, Project 5735, and Call for Bids"

6. Reappointment of Paul Garcia to Alameda County Mosquito Abatement District

Staff report submitted by Administrative Analyst Melendez,
dated October 28, 1997, was filed.

Council Member Jimenez recommended the reappointment, stating that Paul Garcia is a resident of Hayward, a former employee of the District and attended every District meeting during his tenure.

It was moved by Council Member Jimenez, seconded by Council Member Hilson, and unanimously carried by all present, to adopt the following:

Resolution No. 97-172, "Resolution Appointing Paul Garcia as City of Hayward Representative to the Alameda County Mosquito Abatement District"

HEARINGS

7. Vesting Tentative Map Tract 6411 - Mary and Joseph Ramos (Applicants/Owners) - Request to Remove the Vesting Designation and Approve a 24-Month Extension of the Tentative Map to Subdivide a 1.37 Acre Parcel into 28 Condominium Units - Property Located at 650 Berry Avenue

Staff report submitted by Development Review Services Engineer Peck, dated October 28, 1997, was filed.

Development Review Services Engineer Peck made the staff report. Using slides, she indicated that the Planning Commission held a public hearing on October 23 and recommended the removal of the vesting designation and approve a twenty-four month extension.

Mayor Cooper opened the public hearing at 8:42 p.m.

Mary Ramos, applicant, thanked Development Review Services Engineer Peck for her excellent services on the project and responded to Council questions.

Mayor Cooper closed the public hearing at 8:45 p.m.

It was moved by Council Member Jimenez, seconded by Council Member Rodriquez, and unanimously carried by all present, to adopt the following:

Resolution No. 97-173, "Resolution Approving Removal of Vested Rights and 24-Month Extension for Approved Tentative Map for Tract 6411"

8. Approval of Agreement Between East Bay Dischargers Authority (EBDA) and Livermore-Amador Valley Water Management Agency (LAVWMA), and Authorization for the City Manager to Execute an Agreement Between the City and LAVWMA for Payment of Traffic Mitigation Fees

Staff report submitted by Deputy Director of Public Works Ameri, dated October 28, 1997, was filed.

Public Works Director Butler made the staff report. He noted that in September, the Livermore-Amador Valley Water Management Agency (LAVWMA) consisting of Pleasanton, Livermore, Dublin and San Ramon services districts reached an agreement that sets an input limit of 31.8 million gallons per day of average dry weather flow into the treatment plants in the valley. This limit is a significant issue because it sets a constraint on growth in the Valley. Any change in that limit must be unanimously approved by the agency members. The agency members also agreed that it was appropriate to pay traffic mitigation

fees to the City to allow for potential traffic increases due to development in the valley. He discussed two alternatives accepting that payment and specified that interest has begun to accrue since October. He felt that the proposed agreements address Council concerns. The recommendation was that Council authorize its EBDA representative to approve two agreements for additional discharge services with Livermore-Amador Valley Water Management Agency (LAVWMA) and EBDA and to authorize the City Manager to execute the agreement for payment by LAVWMA of traffic mitigation fees.

Mayor Cooper thanked Council Member Ward for his many years of serving as the City's EBDA representative and for his arduous efforts leading to this outcome.

Council Member Ward noted that he would not have been able to uphold the City's stance without the support of excellent staff, i.e., City Manager Armas, Public Works Director Butler, and City Attorney O'Toole. He also thanked Council Member Rodriguez for attending meetings as his alternate. Lastly, he noted that Hayward is the first of the EBDA members to approve this agreement.

There being no one requesting to speak, Mayor Cooper opened and closed the public hearing at 9:01 p.m.

It was moved by Council Member Ward, seconded by Council Member Rodriguez, and unanimously carried by all present, to adopt the following:

Resolution No. 97-174, "Resolution Approving the EBDA/LAVWMA Interim Agreement and Authorizing the City Manager and EBDA Representative to take Certain Actions with Respect to the Lease of excess Capacity in the EBDA System and the Agreement for Payment of Traffic Impact Mitigation Fees"

9. Proposal to Purchase City Center Building at 22300 Foothill Boulevard

Staff report submitted by City Manager Armas, dated October 28, 1997, was filed.

City Manager Armas reported that there is a party associated with a commercial brokerage that has an interest in the acquisition of the building. The building, built to satisfy building codes in 1969, does not meet today's standards to serve as a public building. However, with modifications and retrofitting, it would satisfy the life-safety requirements for a private office building. The recommendation is to request that Council authorize two documents; one, to allow staff to draft the necessary documents to transfer the property from the City to the Redevelopment Agency; and second, to direct staff to develop an appropriate acquisition agreement that would transfer the building to a private owner. The proposed agreement would return to Council for approval.

The Council's City Center Committee concurred with this recommendation to convey the building and not the parking structure. The parking structure would be used by the building occupants as well as for Centennial Hall events and for theater-goers when the theater complex becomes a reality. Council will be kept apprised of negotiations in closed session over the next ninety days and the transfer would occur no later than six months.

Council Member Jimenez commended City Manager Armas for his efforts. He noted that this is one more project that indicates that Hayward is positively on the move.

In regards to a question about the due diligence analysis, City Manager Armas surmised that the potential buyer would be interested in reviewing engineering studies to determine fiscal feasibility. There was discussion regarding the present office space market and whether the project is warranted. It was suggested that staff look at opportunities to create more activity in the lower portion at the plaza level of the city center building.

There being no requests to speak, Mayor Cooper opened the public hearing at 9:11 p.m.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried by all present, to adopt the following:

Resolution No. 97-175, "Resolution Authorizing and Directing the City Manager to take Certain Actions Regarding the City Center Building Located at 22300 Foothill Boulevard"

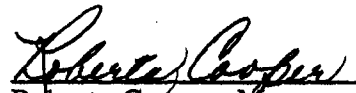
COUNCIL REPORTS

There were no Council Reports.

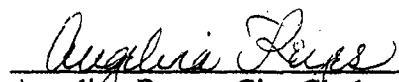
ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:12 p.m.

APPROVED:


Roberta Cooper, Mayor,
City of Hayward

ATTEST:


Angelina Reyes, City Clerk,
City of Hayward



AGENDA
HAYWARD CITY COUNCIL MEETING
Centennial Hall, Room 6
22292 Foothill Boulevard
Hayward, CA 94541
October 28, 1997

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY WORK SESSION
ROOM 3

- 4:30 p.m. 1. Public Comments *(The PUBLIC COMMENTS section provides an opportunity for citizens to address the City Council on items listed on the agenda, as well as other items of interest. The Council welcomes your comments under this section, but is prohibited by State law from discussing items not listed on the agenda. Your item will be taken under consideration and referred to staff.)*
- 4:35 p.m. 2. Draft South of Route 92 Specific Plan and Environmental Impact Report (DEIR)
- 5:35 p.m. 3. Revisions to City Stationery
- 5:50 p.m. 4. Council Announcements, Referrals, Future Agenda Items,
Adjourn to Joint City Council/Redevelopment Agency Closed Session

CLOSED SESSION
ROOM 5

CONFERENCE WITH LABOR NEGOTIATOR

Negotiator: Mark Nelson, Personnel Director
Employee Organizations: International Federation of Professional & Technical Engineers, Local 21, AFL-CIO

CONFERENCE WITH REAL PROPERTY NEGOTIATOR -

Pursuant to Government Code Section 54956.8:

Property: Property Located at Foothill Boulevard and Russell Way
Negotiating Parties: Redevelopment Agency and NL Properties

DINNER

6:30 p.m. Ichiban Restaurant, 22560 Foothill Boulevard

REGULAR MEETING
ROOM 6

8:00 P.M. CALLED TO ORDER - Pledge of Allegiance - Council Member Hulteen
ROLL CALL

PRESENTATION: East Bay Regional Park District Presentation Regarding the
1997 Master Plan and Map of Parks and Trails

Commendation to California State University, Hayward (CSUH)

PUBLIC COMMENTS *(Note: The PUBLIC COMMENTS section provides an opportunity for citizens to address the City Council on items not listed on the agenda. The Council welcomes your comments under this section, but is prohibited by State law from discussing items not listed on the agenda. Your item will be taken under consideration and referred to staff.)*

CONSENT

1. Approval of Minutes of the Regular Council Meeting of October 21, 1997 Motion
2. Annual Investment Report, Revisions to Statement of Investment Policy and Delegation of Investment Authority Resolution
3. Contract with Newsmakers, Inc., to Provide Advertising and Promotional Services to the Downtown Business Improvement Area Resolution
4. Request for Endorsement of the Alameda County Continuum of Care Plan Motion
5. Hesperian Boulevard and Industrial Boulevard Traffic Signal and Intersection Modifications: Approval of Plans and Specifications, and Call for Bids Resolution
6. Reappointment of Paul Garcia to Alameda County Mosquito Abatement District Resolution

HEARINGS

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

7. Vesting Tentative Map Tract 6411 - Mary and Joseph Ramos (Applicants/Owners) - Request to Remove the Vesting Designation and Approve a 24-Month Extension of the Tentative Map to Subdivide a 1.37 Acre Parcel into 28 Condominium Units - Property Located at 650 Berry Avenue Resolution

LEGISLATIVE BUSINESS

8. Approval of Agreement Between East Bay Dischargers Authority (EBDA) and Livermore-Amador Valley Water Management Agency (LAVWMA), and Authorization for the City Manager to Execute an Agreement Between the City and LAVWMA for Payment of Traffic Mitigation Fees Resolution
9. Proposal to Purchase City Center Building at 22300 Foothill Boulevard Resolution

COUNCIL REPORTS

(Oral reports for items related to Council Member activities associated with external agencies.)

ADJOURNMENT

NO COUNCIL MEETING ON TUESDAY, NOVEMBER 4, 1997 - ELECTION DAY!

DON'T FORGET TO

NEXT REGULAR MEETING - 8:00 P.M., TUESDAY, NOVEMBER 18, 1997

Vote

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 293-5306 or TDD (510) 293-1590.

An online version of this agenda
is available on the Internet at
<http://www.infolane.com/hayward>





CITY OF HAYWARD AGENDA REPORT

AGENDA DATE October 28, 1997

AGENDA ITEM 7

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: VESTING TENTATIVE MAP TRACT 6411 - MARY AND JOSEPH RAMOS (APPLICANTS/OWNERS) - Request to remove the vesting designation and approve a 24-month extension of the tentative map to subdivide a 1.37 acre parcel into 28 condominium units.

The property is located at 650 Berry Avenue, north side, immediately east of BART.

RECOMMENDATION:

On October 23, 1997, the Planning Commission voted 7:0 to recommend that the City Council:

1. Remove the vesting designation from the previously approved vesting tentative map; and
2. Approve a 24-month extension of the tentative map approval.

DISCUSSION:

On September 22, 1992, the City Council approved Site Plan Zone Change Application No. 91-55 and Vesting Tentative Map Tract 6411. The City's approvals were valid for 24-months; however, because the Government Code extends certain tentative maps for 36-months, it has allowed this tentative map to remain active for five years, or until September 22, 1997. (The Government Code allows an interim extension of an additional 60 days or until the City Council takes action, whichever occurs first.)

The City's Subdivision Ordinance allows City Council the discretion to extend **non-vesting** tentative map approvals for up to 36-months beyond the original 24-month approval. However, the Subdivision Ordinance does not contain a similar provision for a vesting tentative map which is not accompanied by a development agreement. Therefore, the applicant/owner has requested the vesting designation be removed so that the tentative map approval can be extended until September 22, 1999.

When a vesting tentative map is approved it locks in most land use policies and standards in effect at the time the application is deemed complete. The loss of vesting privileges for this subdivision will have little effect. Changes in City ordinances relating to this subdivision have been minor and the fees binding under the vesting map have not increased.

**Mayor and City Council
Meeting of October 28, 1997**

The property is currently vacant. The proposed project consists of 28 townhouse style condominium units within 11 buildings, which each contain two to four units. All the units have the same floor plan, with two bedrooms, two and one-half baths and are 1,200 sf each. The units have been oriented toward Berry Avenue to protect the adjacent dwellings to the east and to provide a buffer from the BART tracks to the west and a car repair business to the north. The Site Plan was approved September 22, 1992 in conjunction with the approval of the tentative map and remains valid.

The applicant/owners have hesitated to develop the property because the real estate market has not been strong. The County Tax Assessor has lowered the taxes on this property twice in the past 5 years. The applicant/owners are interested in either joining with a partner to build the project or selling the property.

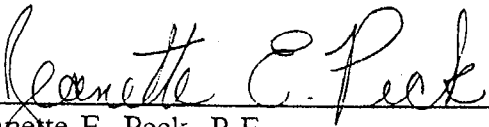
The property is zoned RH (High Density Residential) and has a General Plan Map designation of Residential High Density (17.4 to 34.8 units per net acre). The subdivision conforms to the City's General Plan. Based on the conditions of approval for Site Plan Review 91-55, which are still in effect, the map conforms to the Mission-Foothills Neighborhood Plan as discussed in the attached July 23, 1992 Planning Commission staff report, except that it does not incorporate a sizeable interior courtyard, primarily because of its long narrow configuration.

There was no public comment at the Planning Commission public hearing.

CONCLUSION:

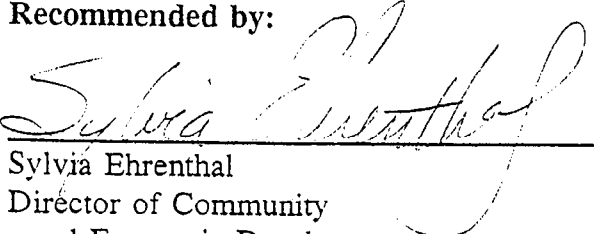
The project is designed well within the lot constraints. The lot coverage is low; over 52% of the site will be landscaped with 21% of the site being developed as common group open space or private patio yards. Staff recommends that the City Council remove the vesting designation from the tentative map and approve a 24-month time extension until September 22, 1998, for this subdivision.

Prepared by:



Jeanette E. Peck, P.E.
Development Review Services Engineer

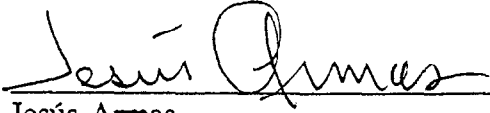
Recommended by:



Sylvia Ehrenthal
Director of Community
and Economic Development

Mayor and City Council
Meeting of October 28, 1997

Approved by:



Jesús Armas
City Manager

Exhibits:

- A. Area Map
- B. Site Plan
- C. Planning Commission Minutes and Staff Report w/o attachments, dated October 23, 1997
- D. City Council Minutes and Staff Report, dated September 22, 1992

Draft Resolution(s)

k:\...\CCR\Report.97\TR6411.CC

10/24/97

**SUBJECT TO APPROVAL
BY PLANNING COMMISSION****Exhibit C****MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Bennett, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Caveglia, Dowling, Fish, Halliday, Kirby, Williams
CHAIRPERSON Bennett
Absent: COMMISSIONER None

Staff Members Present: Anderly, Arfsten, Boykin, Davis, Ehrenthal, Looney,
Nakatsu, Peck, Penick

General Public Present: Approximately 23

PUBLIC COMMENT - None

AGENDA**PUBLIC HEARINGS**

1. **WHITESSELL STREET PRECISE PLAN LINES** - This proposal is to establish special Precise Plan Lines for Whitesell Street between Enterprise Avenue and Depot Road. This will provide a location for the connection between Cabot Boulevard to the north and Whitesell Street to the south.

Survey Engineer Davis proposed going through the information in the staff report and then continuing the item due to a letter received earlier in the day which both he and the City Attorney needed time to address.

Public Hearing Opened, 7:35 p.m.

Barry Gallagher, One Kaiser Plaza, Oakland, owner of a business at 3600 Depot Road, said he supported the Whitesell Street proposal. He said the extra outlet from the Industrial Park will be very helpful. He also complimented Planning Engineer Peck and Survey Engineer Davis for their fine work.

Robert Spinardi, 21500 Eden Canyon Road, Castro Valley, who also has property in the area, said it is a good idea to have the road in the area but expressed concern that the zoning might change. He said he has an outdoor wrecking yard right next to the sewage treatment plant and worries that the new building rules allow only 10 percent outside storage. There is 100 percent. He also asked whether an assessment would be needed and whether beautification or outside fencing would be provided. He added that auto wrecking yards are necessary and are located where they are because of the sewage plant.

Survey Engineer Davis responded that this is a precise plan only and is included in the Industrial

Assessment District. He indicated that the City could make it a Capital Project but there could be some assessment later.

Dave Lanforman, 3100 Mowry Ave., #300, Fremont, attorney representing one of the auto wrecking businesses in the area, said his letter requested information on the impact to the properties in the area.

Public Hearing Closed, 7:44 p.m.

Commissioner Kirby said that with the number of questions regarding the implications to the property owners in the area, he thought it appropriate to continue the hearing until the issues are discussed by staff and information made available to the Commission. He moved, seconded by Commissioner Caveglia, to continue the item for a future meeting. The motion passed unanimously.

- ➔ 2. VESTING TENTATIVE MAP TRACT 6411 - MARY AND JOSEPH RAMOS (APPLICANTS/OWNERS) - Request to remove the vesting designation and approve a 24-month extension of the tentative map to subdivide a 1.37 acre parcel into 28 condominium units. The property is located at 650 Berry Avenue, north side, immediately east of BART.

Planning Engineer Peck explained that the applicant was asking for the vesting designation to be removed so that the tentative map approval could be extended until September 22, 1999. She said staff supported the request asking City Council to remove the designation and approve the 24-month extension. She explained that without vesting, the project would be subject to whatever taxes and fees are required at that time rather than being based on those in effect at the time of vesting approval.

The Public Hearing Opened/Closed at 7:49 with no public input.

Commissioner Kirby said the request seemed reasonable procedurally and he hoped the property would be developed at some point. He moved, seconded by Commissioner Williams, to recommend that the City Council remove the vesting designation from the previously approved vesting tentative map and approve a 24-month extension of the tentative map approval.

The motion passed unanimously.

3. SPECIFIC PLAN AMENDMENT NO. 95-210-02 - KEENAN LAND COMPANY (SUBDIVIDER), FIRST AMERICAN TITLE GUARANTY COMPANY (OWNER/TRUSTEE) - Amend policies in the Walpert Ridge Specific Plan to increase the housing capacity from 116 to 135 lots (increase of approximately 16 percent); to allow for 130 padded lots; to allow an on-site passive, instead of active, neighborhood park; and allow an emergency vehicle access, instead of a public street connection, to Hayward Boulevard through the adjacent Hayward 1900 property.

ZONE CHANGE NO. 95-120-01 - KEENAN LAND COMPANY (SUBDIVIDER), FIRST AMERICAN TITLE GUARANTY COMPANY (OWNER/TRUSTEE) - Rezone from AG (Agricultural) to PD (Planned Development) to develop 135 single-



ITEM: 2

CITY OF HAYWARD ■ AGENDA REPORT

DEVELOPMENT REVIEW SERVICES DIVISION

MEETING OF
- October 23, 1997 -

TO: Planning Commission

FROM: Jeanette E. Peck, Development Review Services Engineer

SUBJECT: VESTING TENTATIVE MAP TRACT 6411 - MARY AND JOSEPH RAMOS (APPLICANTS/OWNERS) - Request to remove the vesting designation and approve a 24-month extension of the tentative map to subdivide a 1.37 acre parcel into 28 condominium units.

The property is located at 650 Berry Avenue, north side, immediately east of BART.

RECOMMENDATION:

That the Planning Commission recommend that the City Council:

1. Remove the vesting designation from the previously approved vesting tentative map; and
2. Approve a 24-month extension of the tentative map approval.

DISCUSSION:

On September 22, 1992, the City Council approved Site Plan Zone Change Application No. 91-55 and Vesting Tentative Map Tract 6411. The City's approvals were valid for 24-months; however, because the Government Code extends certain tentative maps for 36-months, it has allowed this tentative map to remain active for five years, or until September 22, 1997. (The Government Code allows an interim extension of an additional 60 days or until the City Council takes action, whichever occurs first.)

The City's Subdivision Ordinance allows City Council the discretion to extend non-vesting tentative map approvals for up to 36-months beyond the original 24-month approval. However, the Subdivision Ordinance does not contain a similar provision for vesting tentative maps that are not accompanied by a development agreement. Therefore, the applicant/owner has requested the vesting designation be removed so that the tentative map approval can be extended until September 22, 1999.

Vesting Tentative Map Tract 6411 - Marv and Joseph Ramos (Applicants/Owners)

When a vesting tentative map is approved it locks in most land use policies and standards in effect at the time the application is deemed complete. The loss of vesting privileges for this subdivision will have little effect. Changes in City ordinances relating to this subdivision have been minor and the fees binding under the vesting map have not increased.

The applicant/owners have hesitated to develop the property because the real estate market has not been strong. The County Tax Assessor has lowered the taxes on this property twice in the past 5 years. The applicant/owners are interested in either joining with a partner to build the project or selling the property.

The property is zoned RH (High Density Residential) and has a General Plan Map designation of Residential High Density (17.4 to 34.8 units per net acre). The subdivision conforms to the City's General Plan. Based on the conditions of approval for Site Plan Review 91-55, which are still in effect, the map conforms to the Mission-Foothills Neighborhood Plan as discussed in the attached July 23, 1992 Planning Commission staff report, except that it does not incorporate a sizeable interior courtyard, primarily because of its long narrow configuration.

Although the Design Guidelines were approved after the tentative map, the project meets the City's Design Guidelines.

ENVIRONMENTAL REVIEW:

A negative declaration was certified by the City Council on September 22, 1992, in association with City Council approval of Site Plan Review Application No. 91-55 and Vesting Tentative Tract No. 6411. Because the application is merely a request for an extension of time that will have no environmental impact, no additional environmental review is required under CEQA. A copy of the original staff report containing the negative declaration is attached.

PUBLIC NOTICE:

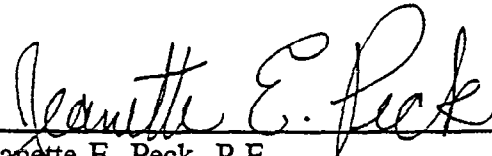
On September 10, 1997, a notice was mailed to all property owners and abutting residents within 300 feet of the subject property. On September 11, 1997, a public hearing notice was published in the "Daily Review".

CONCLUSION:

The project is designed well within the lot constraints. The lot coverage is low; over 52% of the site will be landscaped with 21% of the site being developed as common group open space or private patio yards. Staff recommends that the City Council remove the vesting designation from the tentative map and approve a 24-month time extension until September 22, 1998, for this subdivision.

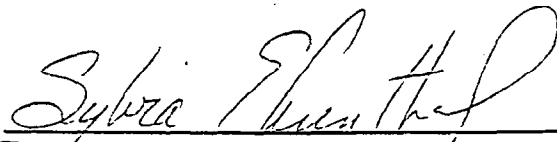
Vesting Tentative Map Tract 6411 - Mary and Joseph Ramos (Applicants/Owners)

Prepared by:



Jeanette E. Peck, P.E.
Development Review Services Engineer

Recommended by:



for Dyana Anderly, A.I.C.P.
Development Review Services Administrator

Exhibits:

- A. Area Map
- B. Site Plan
- C. City Council Minutes and Staff Report, dated September 22, 1992

MINUTES

REGULAR MEETING OF THE CITY COUNCIL,
CITY OF HAYWARD, Centennial Hall, Room 6
Tuesday, September 22, 1992, 8:00 p.m.
22292 Foothill Boulevard, Hayward, CA 94541

Consent Calendar - continued

It was moved by Councilmember Randall, seconded by Councilmember Hilson and unanimously carried by all present to adopt the following:

Resolution 92-272, a "Resolution authorizing the Interim City Manager to execute certain agreements for engineering services for various Capital Improvement Projects."

HEARINGS

10. Appeal of Board of Adjustments Denial of Use Permit Application No. 91-79, Pedro Valencia and Yvonne Esguer (Applicants/Owners) - Request to modify Miguel's Restaurant by adding a new first floor lobby area and enlarging an existing second floor banquet area and adding a balcony; and to continue operating a nightclub with live entertainment and dancing provided Fridays through Sundays, from 9:00 p.m. to 1:30 a.m., with admission charged at the door. The property is located at 22865 Atherton Street, westerly side, approximately 160 feet southerly of D Street in a CC-C (Central City-Commercial) District. (Staff recommended continuation of this item to October 20, 1992.)

Staff report submitted by Interim City Manager Susan George, dated September 18, 1992, was filed.

It was moved by Councilmember Ward, seconded by Councilmember Randall and unanimously carried by all present to continue the item until October 20, 1992.

11. Site Plan Review Application No. 91-55/Vesting Tentative Map Tract 6411 - Mary and Joseph Ramos (Applicants/Owners) - Request to construct 28 three-story, two-bedroom condominium units within 11 buildings, SPR 91-55; and request to subdivide a 1.37 ± acre parcel into 28 condominium units, Vesting Tentative Map Tract 6411; Property is located at 650 Berry Avenue, north side, immediately east of BART, in an RH (High Density Residential) District.

Staff report submitted by Senior Planner Sheldon McClellan, dated September 14, 1992, was filed.

Senior Planner McClellan summarized the staff report and responded to questions on the project and noted the acoustical requirements. Mayor Sweeney requested staff ensure that large trees were to be planted as opposed to the "twigs" that had been planted in some other parts of the community. He also noted that staff might want to go back and visit previous projects that have been approved with similar acoustical requirements to see if they were adequate.

hearings - continued

Councilmember Hilson asked questions about the design of the project and questioned Condition 46 regarding the fence replacement. Senior Planner McClellan noted Condition 46B should read "replace with a new fence where the chain link exists on the north side." He noted where it stated "repair where broken" referred to the repair of the wooden fence.

Councilmember Ward questioned why the requirement for party walls between units was not also a requirement for outside walls on the side with the BART tracks. Senior Planner McClellan noted he was not an acoustical engineer, however, the current requirements did bring the sound level into an acceptable range.

Mayor Sweeney opened the public hearing at 9:15 p.m.

Mary Ramos, applicant, noted she had submitted the application for the project over fifteen months ago and had worked very hard with staff to develop a quality project.

Leon Mayer commended staff and the applicant on the aesthetics of the project.

Mayor Sweeney closed the public hearing at 9:16 p.m.

It was moved by Councilmember Jimenez, seconded by Councilmember Ward to approve the item with direction given that appropriate landscaping be provided using substantial trees as recommended by Mayor Sweeney.

Councilmember Rodriguez commended the applicant on the quality of the design.

Councilmember Hilson noted there were additional sound measures available to be taken on outside walls and suggested staff and the applicant pursue the topic.

Councilmember Ward commented he thought the sound measure issue had been covered in the mitigation measures for the project.

Councilmember Randall recommended that staff conduct some type of informal survey of the homes abutting the railroad track and BART tracks to determine the effectiveness of the standard provided by the State. He suggested staff query residents to determine if they were bothered by the noise of the BART trains and report back to Council via the City Manager's Weekly Report.

At this point Mayor Sweeney called for the vote on the motion and it was unanimously carried by all present and the following two resolutions were adopted:

Resolution 92-274, a "Resolution approving Site Plan Review Application No. 91-55 of Mary and Joseph Ramos (Trac: 6411).



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 9/22/92
AGENDA ITEM _____
WORKSESSION ITEM _____

DATE: September 14, 1992
TO: Mayor and City Council
FROM: Senior Planner

SITE PLAN REVIEW APPLICATION NO. 91-55/VESTING TENTATIVE MAP TRACT 6411 - MARY AND JOSEPH RAMOS (APPLICANTS/OWNERS) -

- A. Site Plan Review Application No. 91-55 - Request to construct 28 three-story, two-bedroom condominium units within 11 buildings.
- B. Vesting Tentative Map Tract 6411 - Request to subdivide a 1.37±-acre parcel into 28 condominium units.

Property is located at 650 Berry Avenue, north side, immediately east of BART, in an RH (High Density Residential) District.

RECOMMENDATION

The Planning Commission recommends adoption of the negative declaration and approval (6:0) of the site plan review and vesting tentative map tract applications. The Commission modified Condition No. 21 to exclude the requirement for "clay or concrete barreled" tile on the roof since the applicant indicated that she preferred to use a flat or other form of tile. No other changes were made to the staff-recommended conditions of approval. Staff has recommended approval of this condominium project.

MAJOR PLANNING ISSUES

- Will development of the property complement and be compatible with existing and potential future development in the neighborhood?
- Are streets and public facilities, existing and proposed, adequate to serve the project?
- Does the design of the project provide a good living environment for units adjacent to the BART and Union Pacific railroad tracks?

SITE PLAN REVIEW APPLICATION NO. 91-55/VESTING TENTATIVE MAP TRACT
6411 - MARY AND JOSEPH RAMOS (APPLICANTS/OWNERS)

PROJECT DESCRIPTION

The applicants propose to construct 28 three-story condominium units (townhouse design) within 11 buildings which contain two to four units each. All the units have the same floor plan and will be two bedrooms and two and one-half baths and are 1,200 square feet each. The units have been located on the site to give them a good orientation to the public street (Berry Avenue) and to protect the existing adjacent dwellings to the east and to provide a buffer to the BART tracks to the west and car repair business to the north. The project is on the low end of the High Density Residential density and the provision of parking stalls and open space exceed minimum requirements (see project BREAKDOWN OF DEVELOPER'S PLANS).

GENERAL POLICIES PLAN/MISSION-FOOTHILL NEIGHBORHOOD PLAN

The project, at 20.44 units per net acre is consistent with the General Policies Plan Map designation of Residential-High Density (17.4 - 34.8 dwelling units/net acre) which allows between 23.8 and 47.7 dwelling units on this site per the designation. The submission of this application was made prior to the Neighborhood Task Force recommending that new construction comply with a spanish ranch design theme. Therefore, the vesting tentative map is exempt from all ordinances [that is, SD-2 regulations and policies of the Mission-Foothills Neighborhood Plan] and standards that have been added since the application was deemed complete. That is not the case with the site plan review application, however, and reasonable requirements associated with design elements, materials, etc. can be required of the applicant. Staff has recommended that certain SD-2 Overlay District provisions be included in the design of this project, i.e., tile roof, Spanish-theme light fixtures, Spanish courtyard (group open space area). These project features will not require a change in the site plan layout nor in the design of the floor plans, and their incorporation into the project design will help this project tie in better with other future projects which will have to adhere to greater requirements within the design theme.

PUBLIC TESTIMONY

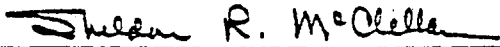
At the public hearing held on July 23, 1992, there was no testimony given other than by the applicant who answered questions for the Commission.

SITE PLAN REVIEW APPLICATION NO. 91-55/VESTING TENTATIVE MAP TRACT
6411 - MARY AND JOSEPH RAMOS (APPLICANTS/OWNERS)


COUNCIL OPTIONS

Adopt the Negative Declaration and take one of the following actions:

1. Approve the site plan review and vesting tentative map tract applications subject to the recommended findings and conditions of approval (or as may be amended by the Council).
2. Deny the requested applications.
3. With the applicant's approval, continue the project for modifications to reduce density, or modify the project per direction of the Council.


Sheldon R. McClellan
Senior Planner

Submitted by:


Bruce Allred, Planning Director

Recommended by:


Susan George, Interim City Manager

Attachments:

- A. Planning Commission Report (with attachments) and Minutes of 7/23/92
- B. Area Map
- C. Negative Declaration
- D. Draft Resolutions
- E. Vesting Tentative Tract Map
- F. Developers Plans

AGEN91-5

PLANNING DEPARTMENT REPORT

PLANNING COMMISSION

July 23, 1992

ITEM 1: SITE PLAN REVIEW APPLICATION NO. 91-55/VESTING TENTATIVE
MAP TRACT 6411 - MARY & JOSEPH RAMOS (APPLICANTS/OWNERS)

- a. Site Plan Review Application No. 91-55 - Request to construct 28 three-story, two-bedroom condominium units within 11 buildings.
- b. Vesting Tentative Map Tract 6411 - Request to subdivide a 1.37+-acres parcel into 28 condominium units.

Property is located at 650 Berry Avenue, north side, immediately east of BART, in an RH (High Density Residential) District.

RECOMMENDATION

That the Planning Commission recommend that the City Council:

1. Adopt the Negative Declaration.
2. Approve the Site Plan Review and Vesting Tentative Map Applications subject to the attached Findings and Conditions of Approval.

MAJOR PLANNING ISSUES

1. Will development of the property complement and be compatible with existing and potential future development in the Neighborhood?
2. Are streets and public facilities, existing and proposed, adequate to serve the project?
3. Does the design of the project provide a good living environment for units adjacent to the BART and Union Pacific railroad tracks?

PLANNING COMMISSION ALTERNATIVES

- . Adopt the Negative Declaration and recommend approval of the project subject to the recommended findings and conditions of approval (or as may be amended by the Commission).

- Deny the request. The applicants could appeal the Commission's action to City Council.
- With the applicants' approval, continue the project for modification to reduce density or modify the project per direction of the Commission.

PROPOSAL

The applicants/owners propose to construct 28 three-story condominium units (townhouse design) within 11 buildings which contain two to four units each. Each dwelling unit will have access from an internal private street system. All units will be two bedrooms and two and one-half baths and are 1,200 square feet each. While each floor plan is the same, the architect has made some provisions to change the exterior appearance (see Project Discussion - Architecture).

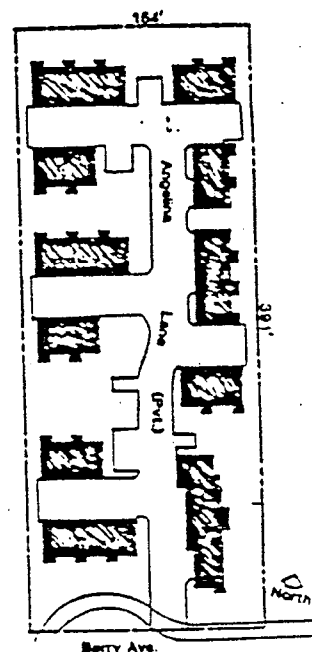
BACKGROUND

On September 8, 1986, the Board of Adjustments approved a 30-unit apartment (3-story townhouses) project for this site after an earlier submission had been denied by both the Board and Council (on appeal). This proposal had inadequate visitors' parking, was not in harmony with applicable City policies relating to setbacks from the adjacent industrial use to the north and the provisions of group open space were inadequate. The application originally contained 32 units but was later revised to 30 units.

PROPERTY DESCRIPTION

Flat rectangular lot with frontage of 157 feet on Berry Avenue and a depth of 388 feet (1.37± acres). The site previously contained two small single-family homes and two sheds which were removed since the approval of the previous application.

D-7



ADJACENT LAND USE AND ZONING

- North - Auto Repair shop (legal non-conforming), single-family dwelling - access off O'Neil Avenue, zoned RM.
- East - Eight residential units (front), triplex (rear), zoned RH.
- South - Across Berry Avenue, vacant property and single-family dwellings, zoned RH.
- West - Alameda County Flood Control channel, BART tracks, Union Pacific railroad, Whitman Street, zoned RH.

ENVIRONMENTAL REVIEW

In accordance with the requirements of the City's CEQA Guidelines, a Negative Declaration was filed with the City Clerk's office on June 29, 1992.

PUBLIC HEARING NOTICE

On July 2, 1992, a notice of public hearing was mailed to every property owner as noted on the latest assessor's records within 300 feet of the property, as well as residents of adjacent parcels. On Saturday, July 4, 1992, a notice of public hearing was published in the Daily Review.

GENERAL POLICIES PLAN/MISSION FOOTHILL NEIGHBORHOOD PLAN

The property is designated on the General Policies Plan Map as Residential-High Density (17.4-34.8 dwelling units/net acre). The proposed density of 20.44 units per acre is in conformance to the map designation of the General Policies Plan and the Mission Foothills Neighborhood Plan as adopted by City Council on March 17, 1992, except where noted below.

The Neighborhood Plan includes a Mission Boulevard (Berry Avenue is also contained therein) Overlay District (SD-2) which purpose is "to require a Spanish Ranch design theme to tie together a mixture of compatible uses into a cohesive and attractive neighborhood." The design theme overlay sets an architectural style with relatively low, spreading rooflines, warm earth textures and colors and attractive exterior spaces for pedestrians and tenants. Also included in the plan is the standard that all high density residential development, except that located over commercial development along Mission Boulevard, shall provide interior

courtyards with a minimum dimension of 80 feet and shall provide a 24-foot landscaped setback on all sides of the project with windows. Generally, a minimum site dimension of 200 feet would be required for a courtyard style.

While the project reflects a more contemporary Mediterranean design, it does not adhere to the design theme concept of the Neighborhood Plan by use of specified materials, use of a Spanish Ranch design and incorporation of a sizeable interior courtyard layout. The project was submitted prior to the preparation of the overlay design theme by the Neighborhood Task Force. Therefore, the project should be considered exempt from these standards. Without redesigning the site plan or making major modifications to the building elevations, the project can be altered slightly to achieve some of the design elements which will help bring it in closer proximity to expectations of the overlay design theme. These modifications are recommended under the Project Discussion Section which follows.

PROJECT DISCUSSION

Site Layout - The vehicular access to the site is from a 24-foot-wide private street except where adjacent parking off the street requires a 26-foot-wide aisle for adequate maneuvering area. The latter represents the majority of the travel width. Pedestrian access has been separated from the roadway, and unit entry is on the opposite side from the garage access even though tenants will have unit access from the garage. All units at the front of the project have their entry doors facing Berry Avenue. Thus, the project does not turn its back onto the street as do many multi-family developments, and the appearance of the project from the street will be enhanced.

Architecture - The applicants propose that all units have the same floor plan. Nevertheless, a variety of architectural elements have been provided including a change in the location of the garage door, the use of gable or hip roof sections on the end building walls, the number of units within a building and placement of windows and trim design on the entry doors. The plans indicate exterior stucco walls on the three-story buildings with pitched roofs incorporating composition shingles. Recessed balcony and stair railing utilize either steel bars or stucco panels with a wood rail on top. Other wood trim is expressed in exposed beam ends on the balcony screens and the base of smaller, decorative false balconies and bracing below roof overhangs.

The architect has provided a good articulation in the building walls and roof structure to break up the exterior facade. Various planes in the walls are created by recessing certain areas and extending other walls outward. The roof is broken up by use of several roof sections and protruding chimney flues. End elevations are also articulated in several ways. Staff recognizes that while windows are not desirable on certain end elevations, special consideration will be needed for design enhancement on these three-story wall planes which will be otherwise void of any decorative elements.

It is also recommended that round-barrel Spanish tile (variegated color) be used on the roof to bring the structure more in line with the neighborhood Spanish Ranch design concept. Likewise, the color of the building should incorporate an earthtone, other than white, to tie into the design theme. Neither of these recommendations will alter the proposed layout of the project.

Parking - The project exceeds the minimum parking requirement of two stalls per condominium unit. Each townhouse dwelling is provided with a self-contained, double-car garage. Open parking bays providing additional parking for visitors, 12 spaces total, which are evenly distributed throughout the project site. In all, a parking ratio of 2.43 spaces per unit is provided on site. An additional five spaces can be located along the property frontage on Berry Avenue. Including the street parking spaces, an overall parking ratio of 2.61 spaces can be provided for the project.

USABLE OPEN SPACE - As with all multi-family projects, the Zoning Ordinance requires that the project provide a minimum of 350 square feet of usable open space per unit. The applicant has provided almost twice that amount or 673 square feet per unit. In addition to the provision of a 7 foot by 13 foot private deck for each unit, six units will have private enclosed entry patios which accounts for 4,020 square feet (8,040 square feet/double counted) of the 9,800 square feet of required usable open space on site. Approximately 18,850 square feet of area is provided in group open space. The site development plan does not indicate any usage of these areas, but per the attached Conditions of Approval, group amenities will be required such as, but not limited to, benches, tables, trellis, fountains and tot lot. In keeping with the Spanish Ranch theme, it is recommended that the largest group open space area be designed in part as a Spanish courtyard with accompanying fountain (structure can be turned off during drought), benches and a table.

The site plan has been designed to provide all required yard setbacks between buildings and property lines. A 20-foot, rear-yard setback separates the townhouse units from the auto repair business which is located to the north. The applicant will heavily landscape this area since it is the front entry to the units at the rear of the property. Units (1 through 4) likewise have their entry on the easterly side of the project and a 20-foot setback has been provide (only 10 ft. required) to separate these units from the adjoining units to the east. Unit No. 10 has a reduced setback of 10 feet but the side elevation will not have any windows. Units 19 through 23 have their entries also on the east side, but they are opposite a paved area except for Unit No. 19. Many of these side units have their entries through private patio yards. The westerly 10-foot-wide setback has been left intact in order to provide a continuous planter strip for trees to buffer from the BART and Union Pacific tracks.

Trash & Recycling Facilities - Two trash enclosures are proposed on the property. These are to be screened by a 6-foot-high wall with a decorative trellis above. Staff is recommending that the more forward facility be moved back (north) to provide better visibility into the group open space area. In City Council's adoption of the Source Reduction and Recycling Element, one of the programs selected is to provide recycling for multi-family dwelling units by November, 1992. At the present time alternatives for designating space at complexes for dumpsters have not yet been developed. While there are no design guidelines for recycling facilities at the present time, it would be prudent for the applicant to consider enlarging one of the trash enclosures in order to provide an area for separation bins or dumpster(s) so that project tenants can recycle their waste material.

Storage - A 460 cubic-foot storage area, clear of required parking, is located at the head of each garage for each unit. This allowance far exceeds the Zoning Ordinance requirement of 90 cubic feet for each unit. It may be necessary to utilize a portion of this area for provision of a washer/dryer unit.

Laundry Facilities - While the Zoning Ordinance does not require on-site laundry facilities, the City has usually required that residential projects provide laundry units. Townhouse and condominium projects have been required to have self-contained facilities, and most developers of ownership housing provide them. ~~Floor plans do not show any provisions for such a facility. The attached Conditions of Approval require that laundry units be established in each unit.~~ The applicant has the option to redesign the interior to provide same, or the laundry facility could easily

be located in the garage since extra storage area could be converted to this use.

Streets - Berry Avenue is an existing 50-foot right-of-way and is paved 25+ feet wide. However, the proposed right-of-way shall be 56 feet, requiring a dedication to the City of Hayward of 3+ feet in the main road section to 25+ feet in the cul-de-sac area. Conditions of proposed Tract 6411 require that a 24-foot-wide driveway entrance to the 28 condominium units with the private street 24 feet wide.

The proposed 5.5-foot-wide sidewalk shall be adjacent to the curb with no planter strip.

Full frontage improvements including curb, gutter, a 5.5-foot-wide sidewalk and tie-in paving will need to be installed.

Utilities

Sewer: The existing 8-inch VCP sanitary sewer main in Berry Avenue appears adequate for this proposal. Service to the condominiums will be by the construction of a new 8-inch VCP public sewer line (361+ feet long) which will require three new manholes, including the one proposed to connect to the existing 8-inch sewer main line in Berry Avenue. Each building or dwelling unit shall have a separate sewer lateral.

Water: Water service is available with an existing 6-inch ACP line in Berry Avenue. A new 8-inch PVC public water main line shall be extended from the existing line in Berry Street 396+ feet westerly under the private street. Each unit shall have a separate water meter with unit/apartment numbers painted on top of water meter boxes prior to installation.

Fire: The current water supply is sufficient for this project. The project requires a minimum 8-inch water main or greater to produce a minimum cumulative water flow of 3,000 gallons per minute. Credit may be granted against the required fire flow of 3,000 GPM if sprinkler systems are installed. All buildings will be required to meet all current Fire Codes and to have a sprinkler system per NFPA 13 code and monitored through a control service station company.

Storm Drainage: The existing storm drainage system in Berry Avenue consists of two 12-inch CMP main storm drain lines which connect to the Alameda County Flood Control channel. As an upgrade to the storm drainage sewer system, the western 12-inch CMP line in Berry Avenue shall be removed and replaced with a 24-inch RCP main line which shall be directly connected to the Alameda County Flood Control channel. All tract storm water runoff shall surface flow southerly to a catch basin near the development's entrance and then, via 15-inch RCP connector line, flow to the new 24-inch RCP storm main and manhole.

CONCLUSION

Staff has had a number of meetings with the applicants and the project architect, and their effort and cooperation has achieved a number of changes and improvements which will make the project a quality development. The units are well designed and have articulated facades. The lot coverage is low (only 28% where 65% is allowed); therefore, 52 percent of the site will be landscaped with 21 percent of the total site area being developed as common group open space or private patio yards. The development also exceeds the minimum parking requirements and has approximately twice (673 sq. ft.) the amount of required usable open space.

Prepared by:

Sheldon R. McClellan

Sheldon R. McClellan
Senior Planner

James P. Leubner

James P. Leubner
Assistant Development Engineer

Attachments

Breakdown of Developer's Plans
Findings for Approval (SPR)
Conditions of Approval (SPR)
Negative Declaration
Initial Study
Area Map
Acoustical Analysis (5/20/92)
Development Plan
Findings for Approval (Tract)
Conditions of Approval (Tract)
Vesting Tentative Tract Map

- 91-55R

MARY & JOSEPH RAMOS

BREAKDOWN OF DEVELOPER'S PLANS

Number of units 28

Lot Area 59,803 sq. ft.
1.37 acres

Density (1,250 sq ft/unit max in RH Dist)

Lot Area per unit 2,136 sq. ft.

Units per acre (47 units max allowed) 20.44

Parking (Condominiums - 2.0 spaces per unit required)

Required 56 spaces

PROPOSED (ratio of 2.43 spaces per unit) 68 spaces

Covered 56 spaces

Visitors 12 spaces

Standard - 7 spaces

Compact - 5 spaces

Building Coverage 28%

Building Type 3-story townhouses

| Unit Type | No. of Units | Square Feet | Description | Stories |
|-----------|--------------|-------------|-------------------------|---------|
| A | 28 | 1,200 | 2 Bedrooms, 2-1/2 Baths | 3 |

Usable Open Space

Required (350 sq ft per dwelling unit) 9,800 sq. ft.

PROPOSED (673.3 sq ft per dwelling unit) 18,854 sq. ft.

Group 10,814 sq. ft.

Private (patio yards 1,920 sq ft,
decks 2,100 sq ft (TOTAL 4,020 sq ft)

4,020 x 2 = 8,040 sq. ft.

FINDINGS FOR APPROVAL

Site Plan Review Application No. 91-55

Mary & Joseph Ramos (Applicants/Owners)

- . That the project layout and proposed structures are compatible with on-site conditions and surrounding properties and reflect a level of development which neighboring properties already enjoy.
- . That the layout of the development reflects the physical conditions of the site by turning the units along the west property line to buffer noise originating from the adjacent BART and Union Pacific railroad tracks, and buffering adjacent dwellings from the impacts of the proposed three-story units.
- . That the proposed 28-unit project as modified by the recommended Conditions of Approval complies with the intent of City development policies and regulations as contained in City Design Review Guidelines and the General Policies Plan and the Mission-Foothills Neighborhood Plan except where noted in the staff report regarding the Spanish Ranch design theme.
- . That the density of the proposed condominiums is in conformance to the General Policies Plan Map designation and zoning classification and that the concept of the project's design with covered garage parking, the townhouse design, and the provision for usable open space will be compatible with adjacent residential properties.
- . That the development will operate in a manner determined to be acceptable and compatible with surrounding development in that project tenants will be able to function like any other multi-family development with on-site parking, group and private recreational space and well-designed living area, including storage, laundry facilities, etc.

DRAFT

*AC 26
10/23/97.*

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING REMOVAL OF VESTED
RIGHTS AND 24-MONTH EXTENSION FOR APPROVED
TENTATIVE MAP FOR TRACT 6411**

WHEREAS, on September 22, 1992, the City Council approved the vesting tentative map for Tract 6411; and

WHEREAS, applicant has requested a 24-month extension to allow for completion of conditions of approval and filing of the final maps; and

WHEREAS, the City Council of the City of Hayward finds and determines that:

- (1) The subdivision regulations of the City of Hayward do not permit any extensions of time for a vesting tentative map prior to the filing of a final map unless the vesting tentative map was approved in connection with a development agreement;
- (2) The vesting tentative map for Tract 6411 was not approved in connection with a development agreement;
- (3) A subdivider may relinquish the extraordinary rights of a vesting tentative map and ask that its map be considered as an ordinary tentative map and that, by making the request that extensions be granted to the tentative map for Tract 6411, the subdivider has made such a request of this City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that a 24-month extension for the tentative map for Tract 6411 is hereby approved, and that the tentative map for Tract 6411 will expire on September 22, 1999.

BE IT FURTHER RESOLVED that the extraordinary vesting rights of vesting tentative map 6411 will expire upon adoption of this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1997

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

FINDINGS FOR EXTENSION OF APPROVAL

For

**TENTATIVE MAP TRACT 6411 and Site Plan/Zone Change Application No. 91-55
MARY RAMOS (APPLICANT/ OWNER)**

- A. That the project layout and proposed structures are compatible with on-site conditions and surrounding properties and reflect a level of development which neighboring properties already enjoy.
- B. That the layout of the development reflects the physical conditions of the site by turning the units along the west property line to buffer noise originating from the adjacent BART and Union Pacific railroad tracks, and buffering adjacent dwellings from the impacts of the proposed three-story units.
- C. That the proposed 28-unit project as modified by the recommended Conditions of Approval complies with the intent of City development policies and regulations as contained in City Design Review Guidelines and the General Policies Plan and the Mission-Foothills Neighborhood Plan.
- D. That the density of the proposed condominiums is in conformance to the General Policies Plan Map designation and zoning classification and that the concept of the project's design with covered garage parking, the townhouse design, and the provision for usable open space will be compatible with adjacent residential properties.
- E. That the development will operate in a manner determined to be acceptable and compatible with surrounding development in that project tenants will be able to function like any other multi-family development with on-site parking, group and private recreational space and well-designed living area, including storage, laundry facilities, etc.

**CONDITIONS OF APPROVAL
FOR EXTENSION OF TIME FOR
TENTATIVE MAP TRACT 6411 and Site Plan/Zone Change Application No. 91-55
MARY RAMOS (APPLICANT/ OWNER)**

Request for a 12-month extension of the tentative map to subdivide a 1.37 acre parcel into 28 condominium units. The property is located at 650 Berry Avenue, on the east side of BART.

1. This extension of approval is valid for one year only, and shall expire on September 22, 2000.
2. Buildings shall have barrel-tile roofing material; and
3. Building exteriors shall be textured stucco that is suggestive of thick adobe walls, as approved by the Planning Director.